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# Third Committee

**Summary record of the 22nd meeting**
Held at Headquarters, New York, on Wednesday, 22 October 2003, at 3 p.m.

*Chairman*: Mr. Maertens (Vice-Chairman) ..... (Belgium)

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*The meeting was called to order at 3.10 p.m.*

**Agenda item 114: Programme of activities of the International Decade of the World's Indigenous People** (A/58/289; A/C.3/58/2)

1. **Ms. Espíndola** (Ecuador) endorsed the statement made by the representative of Peru on behalf of the Rio Group. Over recent years, indigenous people had been working harder to win recognition of their rights and for an end to discrimination, intolerance, marginalization, oppression and racism, all of which were obstacles to their development and their participation in the political life of their States.

2. The International Decade of the World's Indigenous People was a valuable opportunity to assess the situation of those people, to show appreciation for them and respect for their identity, and to find viable solutions to their problems. The many steps taken during the Decade, notably the appointment of the Special Rapporteur on indigenous issues were important for strengthening cooperation with indigenous peoples and promoting their full participation. The greatest achievement had undoubtedly been the creation of the Permanent Forum on Indigenous Issues, through which representatives of indigenous peoples could communicate their most urgent problems and express their needs.

3. The Constitution of Ecuador recognized the collective rights of indigenous peoples, as well as the individual rights of Ecuadorians who belonged to indigenous groups, and the Government had solemnly and steadfastly embraced the challenge to make those rights a reality. The Constitution also recognized the existence of indigenous peoples who defined themselves as nationalities within the State of Ecuador, and guaranteed them a broad spectrum of collective rights, including the right to retain, develop and strengthen their identity and traditions in the spiritual, economic, social, cultural, linguistic, and political fields, the right to retain ownership of their lands and manage renewable natural resources; the right to preserve their traditional forms of social organization and the exercise of authority; the right to collective intellectual ownership of their ancestral knowledge; and the right to bilingual education and to speak their own language. A number of public bodies, such as the Council for the Development of the Nationalities and Peoples of Ecuador and the National Department for Bilingual Intercultural Education, were responsible for giving practical expression to the provisions of the Constitution. Moreover, the Ministry of Social Welfare and the Ministry of Labour were working constantly to promote the human rights of indigenous peoples, who were internationally protected by specific agreements such as Convention No. 169 of the International Labour Organization (ILO), which Ecuador had ratified.

4. Her Government firmly believed that dialogue with citizens was an essential element of democracy, and it applied that principle in its relations with all sectors of society and, in particular, with indigenous peoples.

5. She reaffirmed Ecuador's commitment to the promotion of the human rights and social development of all its people, as well as its support for the Permanent Forum on Indigenous Issues, and for the activities undertaken within the context of the International Decade. It was determined to continue its efforts to resolve the problems of indigenous peoples.

6. **Mr. Aguzzi** (Venezuela) endorsed the statement made by the representative of Peru on behalf of the Rio Group. The Bolivarian Constitution recognized the special rights, both collective and individual, of indigenous peoples, which derived from their specific social, cultural and linguistic status as members of peoples with their own traditions, languages and customs. The Government's fundamental objective was to achieve greater equity and respect for cultural and linguistic differences by implementing a national policy that was participatory, intercultural, and respectful of diversity. Venezuela's population included 32 aboriginal peoples, who had incorporated themselves into the State as culturally and linguistically distinct entities. They spoke some 30 indigenous languages which were all given equal recognition as official languages by the Constitution. The situation of those peoples differed considerably, according to their history, their sociocultural foundation, and their geographical location.

7. The health of indigenous peoples presented a troubling picture; they suffered from high morbidity rates, epidemiological risks, poor sanitary conditions and, in many cases, nutritional imbalances. In order to deal with the problem, the Government had developed a comprehensive health policy, from an intercultural perspective, based on a project entitled "Designing an

intercultural health policy for the indigenous peoples of Venezuela". The policy's guiding principles were equity; comprehensive care, with emphasis on health education; recognition of cultural diversity; the promotion of traditional medicine and its incorporation into health-care programmes; community participation; and self-determination.

8. With respect to the right of indigenous communities to own their lands, which were notable more for their practical uses and their spiritual significance than for their monetary value, the Government had set up a national commission which would be responsible for demarcating the areas recognized by the Bolivarian Constitution. Moreover, in 2001 it had introduced a law demarcating and guaranteeing the habitat and lands of indigenous peoples, which provided for a broad and participatory demarcation process and the formulation of regulations for its implementation.

9. Lastly, his delegation wished to express its support for the Permanent Forum on Indigenous Issues, and its hope that the Commission on Human Rights would rapidly conclude its negotiations on the draft declaration on the rights of indigenous peoples.

10. **Ms. Taracena Secaira** (Guatemala), said that her delegation associated itself with the statement made by the representative of Peru on behalf of the Rio Group. The question of indigenous peoples, who were of fundamental importance and immeasurable historical significance to Guatemala, could not be addressed without reference to the Peace Agreements — especially the 1995 Agreement on Identity and Rights of Indigenous Peoples — which represented a frame of reference for the drafting of legislation in the field. An important step towards reducing existing inequalities had been the adoption, in 2002, of the Social and Population Development Policy, which set out strategic objectives for improving the living standards of the indigenous population.

11. Recognition of and respect for cultural and linguistic diversity presented challenges in the area of education. Since 2002, Guatemala had been implementing the reforms recommended by the Joint Commission, which had advocated a bilingual, intercultural education system in accordance with the country's cultural diversity. In that regard, Congress had also enacted a law to facilitate the use of indigenous languages for official purposes. Another step forward in applying the Peace Agreements had been the establishment of the Ombudsperson for Indigenous Women and the organization and holding of assemblies in the country's 24 linguistic communities, which had led to the creation of an Advisory Council.

12. Ownership and use of land was another problem requiring resolution, not only because land was essential to the rural population, who were mostly indigenous people, but also because it held a special place in the world view of indigenous peoples.

13. In March 2002 the Presidential Commission to Combat Discrimination and Racism against Indigenous Peoples had been launched. In that regard, Congress had adopted regulations penalizing discrimination in all its various manifestations, including gender-based discrimination.

14. In the international arena, the Minister of Culture and Sport, an indigenous woman who played a prominent role in the country's educational, cultural, and political circles, was a member of the Permanent Forum on Indigenous Issues, the creation of which had been among the International Decade's crowning achievements. Guatemala had participated in the Working Group charged with formulating a draft declaration on the rights of indigenous peoples and hoped that, despite the little progress made thus far, the process would be concluded before the end of the Decade. Because not all the Decade's objectives had been achieved and because there had not been equal progress in all areas, Guatemala supported the initiative of the Permanent Forum to request the General Assembly to declare a second International Decade of the World's Indigenous People, once the current Decade had ended; the second Decade might be devoted to those issues that required more resolute support.

15. **Mr. Begg** (New Zealand) noted that his country's population included a strong and vibrant indigenous Maori population, whose language and culture had been revitalized over recent years. Maori were represented at the highest levels in Government, public life, business, and the wider community.

16. New Zealand was particularly pleased with the substantive discussions that had taken place at the second session of the Permanent Forum on Indigenous Issues. As the pre-eminent international entity for dealing with indigenous issues, the Forum had, during its short history, demonstrated a constructive and non-

confrontational approach which promised to deliver great benefits to indigenous peoples.

17. The International Decade of the World's Indigenous People, which New Zealand had firmly supported, had helped to promote awareness of indigenous peoples worldwide. Now that the Decade was nearly over, it was time to reflect on the progress achieved, in order to address the future. New Zealand awaited with interest the review to be undertaken by the Office of the High Commissioner for Human Rights and trusted that it would be completed in good time to allow full consideration and debate at the substantive session of the Economic and Social Council in July 2004.

18. One of the primary objectives of the Decade had been to negotiate and adopt a declaration on the rights of indigenous peoples. In 2002, New Zealand had again urged States and indigenous peoples to redouble their efforts to formulate the declaration before the end of the Decade. It was therefore very pleased with the significant progress made at the meeting of the working group held in September, in Geneva. Although New Zealand could not agree to the current draft without any alteration, it did support the existing framework, including its rights-based language, and had proposed only minimal amendments. After nine years of discussion, most participants now accepted that some compromise would be needed on all sides. He hoped that those few who opposed any changes to the existing draft would reflect very carefully on their positions before the next meeting.

19. The continued existence of the Working Group on a draft declaration was not directly linked to the duration of the Decade, and the end of the Decade did not necessarily mean the end of the negotiations. However, since the guidelines of the Commission on Human Rights on the duration of working groups would come into play, it was all the more important for real progress to be made during 2004. The Working Group on Indigenous Populations had done little to improve the situation of indigenous people, but his delegation had not taken a position on its future. It looked forward to substantive discussion about the functions and mandates of all indigenous mechanisms. The survey of those mechanisms submitted to the Economic and Social Council had been disappointing. His delegation urged the Secretary-General to assign responsibility for a revised report as soon as possible, in order to ensure that, at its 2004 session, the Council would have before it a forward-looking, responsive, credible and impartial analysis. Much had been achieved since indigenous issues had assumed a prominent place at the United Nations, but much remained to be done if indigenous peoples were to enjoy the same rights and freedoms as other peoples. It was therefore especially important to take a targeted and realistic approach.

20. **Ms. Booto** (Democratic Republic of the Congo) said that her delegation had followed with interest the sessions of the Permanent Forum on Indigenous Issues, the establishment of which by the General Assembly had been a key objective of the International Decade of the World's Indigenous People. It was particularly pleased that the second session of the Forum had included a high-level panel and dialogue on indigenous children and youth. Her delegation was also pleased that the Forum had given priority to the formulation, before the Decade ended in 2004, of a draft declaration on the rights of indigenous peoples, which would represent one of the most important tools for the promotion and protection of the human rights and fundamental freedoms of indigenous peoples. It hoped that the Working Group charged with formulating a draft declaration would receive all the necessary assistance. Her delegation was also pleased that the Office of the United Nations High Commissioner for Human Rights, in cooperation with ILO, the United Nations Educational, Scientific and Cultural Organization, and the United Nations Subregional Centre for Human Rights and Democracy in Central Africa, had during 2002 held a workshop for pigmy communities on human rights, development and cultural diversity, in which her country had been an active participant. She thanked all those who had helped to make the seminar a success, and expressed the hope that other, similar events would be held in the future.

21. **Ms. González** (Cuba) said that her delegation fully supported the implementation of the programme of activities for the International Decade of the World's Indigenous People for the promotion and protection of the legitimate rights of indigenous people. The primary objective of the Decade was to strengthen international cooperation in order to resolve problems faced by indigenous peoples in the areas of development, education, health, the environment and human rights. The Working Group on Indigenous Populations of the Commission on Human Rights was to be congratulated

on having prepared a draft declaration on the rights of indigenous peoples and, in particular, on the progress achieved during its ninth session. However, all participants would have to show political will if the draft declaration were to be completed before the end of the Decade in 2004. Indigenous peoples urgently deserved to have their rights recognized in an instrument that would enjoy the universal backing of the international community, and she reaffirmed Cuba's unqualified support for the efforts undertaken towards that end.

22. The establishment of the Permanent Forum on Indigenous Issues as a subsidiary organ of the Economic and Social Council and the two sessions held by the Forum to date represented progress towards compliance with the objectives of the Decade. However, she reiterated that the existing mechanisms for indigenous issues, namely, the Working Group, the Permanent Forum and the Special Rapporteur, fulfilled specific, complementary functions and should continue their efforts in accordance with their mandates.

23. Her delegation was firmly committed to supporting the recommendation of the Economic and Social Council and the General Assembly to declare a second International Decade of the World's Indigenous People and to taking an active part in the evaluation of the results of the first Decade. However, it attached great importance to an evaluation of the challenges of sustainable development and full respect for the legitimate rights of indigenous peoples around the world.

24. **Ms. Leyton** (Chile) said that over the past decade her country had made progress in developing legislation and institutional mechanisms based on the principle of affirmative action, the right to self-determination, the value of participation, and the need for reparations. In that regard she would mention, in addition to the enactment of the Indigenous Law 10 years earlier, the establishment of the Commission on Historical Truth and the New Approach, which was charged with formulating policies aimed at revising the country's approach to the fundamental problems of indigenous peoples. The establishment of the Commission had helped to improve the effectiveness of institutions involved in indigenous issues and facilitated efforts to safeguard the rights and living conditions of indigenous peoples.

25. Her delegation believed strongly that the draft declaration on the rights of indigenous peoples and the Permanent Forum on Indigenous Issues were fundamental instruments for achieving full recognition of the rights of indigenous peoples. Members should unite to achieve a consensus declaration that would serve as a frame of reference for the programmes of other international and national bodies. Chile's position was based on the need to eradicate the causes of social tensions through a consensus-based approach. That was why it had opened a frank and direct dialogue, with the greatest respect for cultural diversity and the rule of law. Chile trusted in the conventional and non-conventional mechanisms of the United Nations system for the promotion and protection of human rights and had dealt with complex disputes arising from appeals made by representatives of indigenous origin in multilateral forums. It had also collaborated with the Special Rapporteur of the Commission on Human Rights concerning the human rights and fundamental freedoms of indigenous peoples during the broad-based mission to Chile carried out by the Special Rapporteur in July 2002.

26. The Government of Chile wished to reiterate its commitment to consolidating a new and more just relationship between the country's indigenous peoples, the State, and society as a whole.

27. **Ms. Fleming** (World Bank) said that the principles needed to achieve a new global equilibrium and a new set of priorities in order to bring about global development and peace were included in the Millennium Development Goals and the commitments entered into at Monterrey, Johannesburg, and other international meetings. The World Bank had endorsed those commitments and recognized the need to ensure that the development process encouraged full respect for the dignity and uniqueness of all peoples, especially the poorest and most marginalized.

28. In particular, the World Bank recognized that indigenous cultures made a very significant contribution to society, and it had adopted an active policy to encourage the development of indigenous peoples. The Bank was currently developing a long-term programme that recognized the complexity of the problems faced by indigenous peoples in various countries and the challenges that arose in bringing about change in traditional attitudes, practices, and behaviour. In view of the scarcity of resources, it was essential to draw on the experience of existing social

and cultural organizations. It was necessary to work with indigenous communities to protect their social, biological and cultural diversity, while expanding their opportunities and their access to health care, education and security. The World Bank aimed to preserve the wisdom and experience of indigenous peoples for future generations.

29. Referring to the World Bank's Grants Facility for Indigenous Peoples, she said that the Bank had been working together with a preparatory committee comprised of a majority of indigenous peoples in order to define the terms and procedures for managing the Facility. Part of a new Global Fund for indigenous peoples, the Facility would provide small grants directly to indigenous peoples' organizations to support the implementation of programmes based on their cultural preferences. It also included two further components: pilot programme on capacity-building for indigenous leaders in the Andean region, and financial support for the Permanent Forum on Indigenous Issues.

30. In collaboration with the indigenous communities themselves, the World Bank continued to revise its policy in an effort to ensure that its assistance projects were tailored to the needs of those communities' and did not have a negative impact on them. It was the Bank's hope that through that continuous process of dialogue, exploration and understanding, it could help to promote the development of indigenous peoples and ensure respect for their identity and culture.

31. **Mr. Rao** (World Intellectual Property Organization) said that his organization had been involved for decades in dealing with issues relating to traditional knowledge, genetic resources and the folklore of indigenous communities.

32. In 2000 the World Intellectual Property Organization (WIPO) had established an Intergovernmental Committee with a mandate to discuss intellectual property issues arising from access to genetic resources and benefit sharing, and the protection of traditional knowledge and folklore. The Committee had debated broad policy and legal questions, including the extension and adaptation of intellectual property rights in relation to traditional knowledge and the sui generis legal systems established in a number of countries. It had shared practical experience and studied traditional knowledge and folklore protection in many countries and regions, and it had developed practical mechanisms to help indigenous communities to identify and promote their interests in relation to intellectual property. The Committee had contributed to a greater understanding of the need for recognition and protection of traditional knowledge and the cultural expressions of traditional knowledge. It had also studied a number of policy options that were potentially of benefit to the communities concerned, including possibilities and limitations regarding the applicability of patents, copyrights and trademarks to traditional knowledge, genetic resources and folklore. It had also discussed the question of who and what should be protected, and how protection should be provided, as well as the issue of the public domain.

33. The approach adopted by WIPO was both empirical, based on several fact-finding missions and surveys, and practical, aimed at the adoption of concrete steps for capacity-building, legislative assistance and cooperation with stakeholders. It had also collaborated actively with other international organizations involved in other aspects of those issues. It had cooperated with the Permanent Forum on Indigenous Issues, taking part in its annual meetings and hosting panels during those meetings. Forum representatives had also taken an active part in the work of the WIPO Committee, which was also supported by 83 WIPO-accredited non-governmental organizations with specific interests in traditional knowledge. WIPO was considering specific ways to enhance the participation of local and indigenous communities in the Committee's future work. The General Assembly of WIPO had recently extended the Committee's mandate, which included the possible development of international instruments in the field.

34. Lastly, he noted that intellectual property and traditional knowledge and other resources and expressions were so closely interlinked that they formed integral elements in the overall framework of development.

*The meeting rose at 4.05 p.m.*